

Appl. No. 10/525,916  
Amdt. dated February 13, 2007  
Reply to Office Action of August 14, 2006

**Amendments to the Drawings:**

None.

## **REMARKS/ARGUMENTS**

### **Election Requirement**

The Examiner states that the application contains claims directed to several patentably distinct species as follows:

Species A illustrated in Figure 1;  
Species B illustrated in Figure 2A;  
Species C illustrated in Figure 2B; and  
Species D illustrated in Figure 3A.

Pursuant to 35 U.S.C. 121, Applicants elect without traverse to prosecute in this application Species A illustrated in Figure 1 if no generic claim is finally held to be allowable.

The following claims are believed to read on the elected Species:

Claims 1-4, 7, 8, 9, 11/1, 11/2, 11/3, 11/4 and 12.

### **Amendment to the Claims**

Claim 1 has been amended to define the presence of one or more conduits which direct the impelling gas into the barrier chamber on one side of the barrier member whereby to move the barrier member to the armed position. As discussed below, this amendment is believed to patentably distinguish claim 1 over the art cited by the Examiner.

The claims indicated by the Examiner to define patentable subject matter, but which were objected to because of dependency from rejected claims, have been amended to be placed in independent form and to otherwise include the limitations of all intervening claims.

With these amendments, all the pending claims are respectfully submitted to be in condition for allowance.

### **Rejection Under 35 U.S.C. 112**

Claims 3, 5-10, 11/3, 11/5, 11/6, 12/5 and 12/6 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claims have been amended in a manner which is believed to be responsive to and overcome the Examiner's stated grounds of rejection under 35 U.S.C. 112.

**Rejection Under 35 U.S.C. 102**

Claims 1, 4, 7/1, 8/1, 9/1 and 10/1 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hardt et al. U.S. Patent 5,212,340.

This ground of rejection is respectfully traversed.

Hardt et al. discloses a device in which the barrier member 40 is moved by detonation of squib 43 to complete a flow path which allows a liquid explosive to flow in response to a pressure differential across a manometer, to establish the armed condition. The movement and resulting liquid flow is illustrated by a comparison of Figures 1 and 2. In addition, please see column 5, line 32 *et seq.* Hardt et al. thus fails to show or suggest the presence of conduits to direct impelling gas to one side of the barrier member. Instead, the explosive squib 43 acts directly upon the barrier member.

**Rejection Under 35 U.S.C. 102(b) Over Belsley '598**

Claims 1, 3-4, 7/1, 8/1, 10/1, 11/1, 11/3, 11/4 and 12/1 stand rejected under 35 U.S.C. 102(b) as being anticipated by Belsley U.S. Patent 3,889,598.

This ground of rejection is respectfully traversed.

Belsley, like Hardt et al., employs an explosive, gas-generating squib 96 to drive the barrier member 58 to the armed position by aligning explosive slug 94 with the remainder of the explosive train 90, 92. The conduit for gas flow required by amended claim 1 is not shown or suggested.

**Rejection Under 35 U.S.C. 103(a)**

Claims 2 and 11/2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Belsley U.S. Patent 3,889,598 in view of Brightman et al. U.S. Patent 4,730,559.

The Examiner applies Belsley as previously, acknowledging that Belsley does not disclose an input device in combination with a delay composition such that the barrier member would be situated between the delay composition and the outlet aperture. The Examiner contends that Brightman teaches an input device in combination with a delay composition such that the barrier member would be situated between the delay composition and the outlet aperture, citing Figure 1 of Brightman. The Examiner concludes that the Applicants' claim essentially substitutes one initiation assembly for another in an analogous art setting and that it would have been obvious at the

time of Applicants' invention to apply the teachings of Brightman to the Belsley safe-arm device.

This ground of rejection is respectfully traversed.

Because claim 1 is now believed to patentably distinguish over Belsley for the reason given above, the combination with Brightman does not remedy the deficiencies of Belsley.

**Rejection Under 35 U.S.C. 102(b) Over Bastide '689**

Claims 1, 3-4, 7/1, 8/1, 9/1, 11/1, 113, 11/4 and 12/1 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bastide U.S. Patent 4,006,689.

This ground of rejection is respectfully traversed.

In Bastide, the movable barrier member 11 is moved by detonation of charge 18 as described at column 4, line 64 *et seq.*

Like the other art relied upon, Bastide utilizes a direct-acting explosive charge to move the barrier member and does not provide a conduit for transmission of the impelling gas to one side of the barrier member to move it.

**Indication of Allowable Subject Matter**

The Examiner has indicated that claims 5-6, 7/5, 7/6, 8/5, 8/6, 9/5, 9/6, 10/5, 10/6, 11/5, 11/6, 12/5 and 12/6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112 and to include all the limitations of the base claim and any intervening claims.

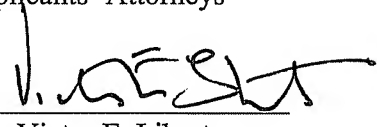
The claims indicated by the Examiner to contain allowable subject matter have been amended to place them in independent form or otherwise avoid dependency from rejected claims.

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In view of foregoing, Applicants respectfully request reconsideration and allowance of the claims as amended herein.

Respectfully submitted,

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